

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING PORTIONS OF TITLE 19  
(ZONING) OF THE SUNNYVALE MUNICIPAL CODE  
RELATING TO ZONING TOOLS TO ENCOURAGE THE  
DEVELOPMENT OF OWNERSHIP HOUSING**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS  
FOLLOWS:

SECTION 1. SECTION 19.12.020 AMENDED. Section 19.12.020 of the Sunnyvale  
Municipal Code is hereby amended to read, as follows:

**19.12.020. "A"**

(1)–(12) [Text unchanged.]

~~(13)~~ [Text unchanged.]

(16)–(22) [Renumbered (14)–(20) consecutively; text unchanged]

**Deleted:** (13) "Apartment vacancy  
deficiency" means the number of vacant  
apartments needed to raise the apartment  
vacancy rate to three percent.¶

**Deleted:** (14)

**Deleted:** (15) "Apartment vacancy  
surplus" means the number of apartments  
being offered for rent or lease in excess  
of a three percent apartment vacancy rate.

SECTION 2. SECTION 19.12.080 AMENDED. Section 19.12.080 of the Sunnyvale  
Municipal Code is hereby amended to read, as follows:

**19.12.080. "G"**

(1)–(6) [Text unchanged.]

(7) "Gross floor area" means the following:

(a) Single-family Residential Uses. The sum of the areas computed  
from the outside dimensions of a building, including supporting columns and  
unsupported wall projections ~~(except for: eaves, uncovered balconies, uncovered  
porches, covered porches on the ground floor, uncovered stairways, fire escapes,  
landing places, fireplaces, and similar architectural features)~~ for each floor.  
Garages are included in floor area calculations. Basement area may be exempt  
from the calculation as long as it is located no higher than two feet above grade.

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balconies, porches and stairways; landing  
places; fireplaces and similar  
architectural features

(b) Commercial, Industrial, Multifamily and Other Uses. The sum of  
the areas computed from the outside dimensions of a building, including  
corridors, supporting columns and unsupported wall projections ~~(except for:  
eaves, uncovered balconies, uncovered porches, covered porches on the ground  
floor, uncovered stairways, fire escapes, landing places, fireplaces, and similar  
architectural features)~~ for each floor including mezzanine floors and enclosed and  
unenclosed roofed patios where the roof is more than fifty percent solid.

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balconies, porches and stairways; fire  
escapes; landing places; fireplaces

SECTION 3. SECTION 19.12.130 AMENDED. Section 19.12.130 of the Sunnyvale  
Municipal Code is hereby amended to read, as follows:

**19.12.130. "L"**

(1)–(10) [Text unchanged.]

(11) "Lot" means a parcel of land in one ownership which is used or  
capable of being used under the provisions of this title in the zoning district in

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street

which it is situated, and has frontage on a public street, or on: (i) a private street which has access to a public street, provided the street is delineated as a separate lot or easement for vehicular access, or (ii) an ingress/egress access easement.

(a) "Corner lot" means a lot located at the intersection of two or more streets with a lot line on two or more of such streets.

(b) "Corridor or flag lot" means an interior lot on which the buildable area is located to the rear of a lot abutting the street, and which has access to the same street by means of a narrow driveway.

(c) "Interior lot" means any lot other than a corner lot.

(12)-(15) [Text unchanged.]

SECTION 4. SECTION 19.30.020 AMENDED. Section 19.12.080 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.30.020. Required lot area and width.**

Lot area and width shall be according to the provisions set forth in Table 19.30.020, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28.

**TABLE 19.30.020**  
**Required Net Lot Area and Width**

| Zoning District  | Lot Area Minimum (Square feet) | Lot Area Per Dwelling Unit (Square Feet) | Lot Width at Minimum Front Yard Setback Corner (Feet) | Lot Width at Minimum Front Yard Setback Interior (Feet) | Lot Width at Minimum Front Yard Setback Cul-de-sac <sup>1</sup> (Feet) |
|------------------|--------------------------------|--|---|---|--|
| R-0              | 6,000                          | 6,000                                    | 62  | 57  | 45   |
| R-1              | 8,000                          | 8,000                                    | 82  | 76  | 45   |
| R-1.5            | 4,200                          | 4,200                                    | 45  | 42  | 40   |
| R-1.7/PD         | 2,600 <sup>2</sup>             | 2,600                                    | 3   | 3   | 3  |
| R-2 <sup>3</sup> | 8,000                          | 3,600                                    | 82  | 76  | 60   |
| R-3 <sup>3</sup> | 8,000                          | 1,800                                    | 82  | 120   | 60   |
| R-4 <sup>3</sup> | 8,000                          | 1,200                                    | 82  | 120   | 60   |
| R-5              | 8,000                          | 950                                      | 82  | 76  | 60   |
| R-MH             | 9 Acres                        | 1,500 <sup>4</sup>                       | None  | None  | None   |
| R-MH             | 9 Acres                        | 1,800 <sup>5</sup>                       | None  | None  | None   |
| O <sup>6</sup>   | 8,000                          | 3,600                                    | 82  | 76  | 60   |
| P-F              | None                           | None                                     | None  | None  | None   |
| C-1              | None                           | None                                     | None  | None  | None   |
| C-2              | None                           | None                                     | None  | None  | None   |
| C-3              | None                           | None                                     | None  | None  | None   |

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|-----|--------|------|------|------|------|
| C-4 | None   | None | None | None | None |
| M-S | 22,500 | None | 100  | 100  | 80   |
| M-3 | 22,500 | None | 100  | 100  | 80   |

<sup>1</sup> Also applicable to lots on the exterior side of a street with a centerline radius of four hundred feet or less.

<sup>2</sup> Maximum lot area shall not exceed four thousand square feet. A minimum site area of two acres is also required.

<sup>3</sup> As determined by planned development requirements. A minimum site area of 2.0 acres also required.

<sup>4</sup> 1,500 square feet nonexpandable mobile home.

<sup>5</sup> 1,800 square feet expandable mobile home.

<sup>6</sup> A minimum site area of 40,000 square feet (net) also required.

<sup>7</sup> Lot area and lot width less than the minimum required may be allowed through approval of a Use Permit or Special Development Permit provided that overall density is consistent with the zoning district.

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**SECTION 5. SECTION 19.32.020 AMENDED.** Section 19.32.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.32.020. Building height and lot coverages.**

Building height and lot coverages shall be according to the provisions set forth in Table 19.32.020, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28.

**TABLE 19.32.020**  
**Building Height, Lot Coverage and Floor Area Ratio**

| Zoning District               | Building Stories | Building Height (ft.) <sup>8</sup> | Lot Coverage (%) | Floor Area Ratio (FAR) (%)   |
|-------------------------------|------------------|------------------------------------|------------------|--|
| R-0                           | 2                | 30                                 | 45               | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less <sup>6</sup> |
| R-1                           | 2                | 30                                 | 45               | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less <sup>6</sup> |
| R-1.5                         | 2                | 30 <sup>1</sup>                    | 40               | 50   |
| R-1.7/PD                      | 2                | 30                                 | 40               | 50   |
| R-2 (single-family dwellings) | 2                | 30                                 | 40               | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less <sup>6</sup> |

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|---|---------------------|---------------------|---------------------|--|
| R-2 (all uses other than single-family dwellings) | 2                   | 30                  | 45                  | 55 <sup>6</sup>  |
| R-3 Townhomes                                     | <u>3</u>            | <u>35</u>           | <u>40</u>           |  |
| R-3 (all other uses)                              | 2                   | 30                  | 40                  |  |
| R-4   | 4                   | 55                  | 40                  |  |
| R-5   | 4                   | 55                  | 40                  |  |
| R-MH  | 2                   | 30                  | None                |  |
| O   | 2                   | 30                  | 40                  |  |
| P-F   | 2                   |                     |                     |  |
| DSP   | See Table 19.28.170 | See Table 19.28.170 | See Table 19.28.170 | See Table 19.28.170  |
| C-1   | 2                   | 40                  | 35                  |  |
| C-2   | 8                   | 75 <sup>5</sup>     | 35                  | 55 (Future Site D) as described in Section 19.32.070(c)(3) |
| C-3   | 8                   | 75 <sup>4</sup>     | 35                  |  |
| C-4   | 2                   | 40                  | 35                  |  |
| M-S   | 8                   | 75                  | 45                  | 35 <sup>5,7</sup>  |
| M-3   | 8                   | 75                  | 45                  | 35 <sup>5,7</sup>  |

<sup>1</sup> Walls facing the side yards cannot exceed twelve feet in height within twelve feet of the side property lines. Second story wall height is limited to twenty-one feet, exclusive of pitched roof structure.

<sup>2</sup> One-half foot shall be added to the front, side and rear yard setbacks for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district.

<sup>3</sup> Coverage shall not exceed the maximum structural coverage in the most restrictive zoning district abutting this district.

<sup>4</sup> Hotels and motels may exceed seventy-five feet if allowed by use permit.

<sup>5</sup> Fifty percent FAR for commercial storage or warehousing, Section 19.32.070(d).

One hundred percent FAR for Future Site B, as described in Section 19.32.070(c)(1).

Seventy percent FAR for Future Site C, as described in Section 19.32.070(c)(2).

Fifty percent FAR for Future Site E, as described in Section 19.32.070(c)(4).

<sup>6</sup> Applications for residences which exceed the FAR set forth in this table shall be considered pursuant to Section 19.80.040(c).

<sup>7</sup> 5% FAR bonus for green buildings may apply. See Section 19.32.075.

<sup>8</sup> ~~A five-foot height bonus is allowed when underground parking is included in the design. See Section 19.46.040.~~

**SECTION 6. SECTION 19.32.040 AMENDED.** Section 19.32.040 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.32.040. Building heights—Distance from property line.**

(a) Except as otherwise provided in subsection (b), the height of buildings constructed or erected in any commercial or industrial zoning district within seventy-five feet of the property line of property in a single-family residence zoning district shall not exceed twenty feet in the event existing buildings on the adjacent lot are one story or thirty feet if the existing buildings are two story or the lot is undeveloped.

(b) Single-family dwellings and townhomes constructed in any multiple family residential zoning district adjacent to a single-family residence zoning district shall not exceed thirty feet in height within seventy-five feet of the property line, provided the setback requirements are met.

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SECTION 7. SECTION 19.34.030 AMENDED. Section 19.34.030 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.34.030. Required yards.**

Yards shall be required as set forth in Table 19.34.030, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28.

**TABLE 19.34.030****Required Yards**

| Zoning District | Front Yard Minimum | Front Yard Average | Side Yards <sup>5</sup> Total <sup>1</sup> | Side Yards <sup>5</sup> One Side | Rear Yard         |
|-----------------|--------------------|--------------------|--|----------------------------------|-------------------|
| R-0             | 15 <sup>2</sup>    | 20                 | 12   | 4                                | 20                |
| R-1             | 15 <sup>2</sup>    | 20                 | 15   | 6                                | 20                |
| R-1.5           | 20 <sup>6</sup>    | 20                 | 12 <sup>6</sup>                            | 4                                | 20                |
| R-1.7           | 15 <sup>6</sup>    | 20                 | 12 <sup>6</sup>                            | 4                                | 20                |
| R-2             | 15 <sup>2,6</sup>  | 20                 | 12 <sup>6</sup>                            | 4                                | 20                |
| R-3             | 15 <sup>2,6</sup>  | 20                 | 15 <sup>6</sup>                            | 6 <sup>6</sup>                   | 20                |
| R-4             | 20 <sup>2</sup>    | None               | 20   | 9                                | 20                |
| R-5             | 20 <sup>2</sup>    | None               | 20   | 9                                | 20                |
| R-MH            | None               | None               | None                                       | None                             | None              |
| O               | 20                 | None               | 15   | 6                                | 20                |
| P-F             | <sup>3</sup>       | <sup>3</sup>       | <sup>3</sup>                               |                                  |                   |
| C-1             | 70 <sup>4</sup>    | None <sup>4</sup>  | None <sup>4</sup>                          | None <sup>4</sup>                | None <sup>4</sup> |
| C-2             | 70 <sup>4</sup>    | None <sup>4</sup>  | None <sup>4</sup>                          | None <sup>4</sup>                | None <sup>4</sup> |
| C-3             | 70 <sup>4</sup>    | None <sup>4</sup>  | None <sup>4</sup>                          | None <sup>4</sup>                | None <sup>4</sup> |
| C-4             | 20 <sup>4</sup>    | None <sup>4</sup>  | None <sup>4</sup>                          | None <sup>4</sup>                | None <sup>4</sup> |
| M-S             | 25 <sup>4</sup>    | None <sup>4</sup>  | 20 <sup>4</sup>                            | None <sup>4</sup>                | None <sup>4</sup> |
| M-3             | 25 <sup>4</sup>    | None <sup>4</sup>  | 20 <sup>4</sup>                            | None <sup>4</sup>                | None <sup>4</sup> |

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## Footnotes

- <sup>1</sup> Combined total of the two side yards added together.
- <sup>2</sup> For single lot development, including proposed additions, the minimum setback must meet the average figure.
- <sup>3</sup> The minimum front yard, side yards and rear yard required in this district shall be equal to those required in the most restrictive abutting zoning district. One-half foot shall be added to each yard for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district.
- <sup>4</sup> Increased setbacks for commercial or industrial zoned properties may also be required by Sections 19.34.070 or 19.34.110.
- <sup>5</sup> Increased setbacks for multiple stories may also be required by Section 19.34.080.
- <sup>6</sup> For single-family dwelling and townhome developments, the minimum front yard setback may be twelve feet on private drives or private streets and the minimum side yard setback may be four feet with a total side yard of ten feet.

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**SECTION 8. SECTION 19.38.040 AMENDED.** Section 19.38.040 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.38.040. Storage space for multiple family residential.**

A minimum of three hundred cubic feet (interior dimensions) of separate, lockable and weatherproof storage space shall be provided for each dwelling unit of a residential development consisting of three or more units and located in R-3, R-4, R-5, commercial or industrial zones. Each storage space shall be accessible from a patio, deck, hallway, the exterior of a dwelling unit, or via a separate structure. Attic area shall not be calculated as storage space. A two-car garage meeting the minimum area and dimensions may satisfy the lockable storage requirement.

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**SECTION 9. SECTION 19.46.110 AMENDED.** Section 19.46.110 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.46.110. Parking spaces—Direct access required—Exceptions.**

All parking spaces, except as described in section 19.46.115, shall have direct access to a public or private roadway at all times.

**19.46.115. Parking Spaces-Tandem-Exceptions**

Tandem parking is not permitted to meet minimum off-street parking requirements, except as described below:

(a) Mobile home park sites

(b) Required uncovered parking spaces located on driveway aprons in single-family dwellings in front of covered parking.

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**Deleted:** spaces for single-family dwellings and residential mobile home park sites,

**Deleted:** Single-family dwellings and two-family dwellings located on lots on which additional dwellings are not permitted, and residential mobile home park sites may use tandem parking for each living unit.

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**SECTION 10. SECTION 19.66.020 AMENDED.** Section 19.66.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.66.020. General requirements.**

(a) All residential developments consisting of nine or more parcels or dwelling units designed and intended for permanent occupancy located in any zoning district other than R-0, R-I, R-1.5 or R-1.7/PD shall maintain below market rate units according to the terms of this chapter and as more fully outlined in the administrative procedures promulgated by the director of community development.

(1) For ownership units, twelve and one-half percent of the total number of dwelling units or parcels within the development shall be maintained as below market rate. The foregoing requirement shall be applied no more than once to a given development, regardless of changes in the character or ownership of the development, with the exception that all new condominium conversions of five or more units shall maintain fifteen percent of the total number of dwelling units as below market rate pursuant to section 19.70.050.

**Deleted:** twelve and one-half

(2)-(3)(h) [Text unchanged.]

**SECTION 11. SECTION 19.70.020 AMENDED.** Section 19.70.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.70.020. Findings required for conversion.**

No use permit or special development permit for conversion of apartment to community housing units shall be approved, nor shall the conversion of any apartment project to a community housing project be approved if the total number of units approved for conversion in the past twelve months has exceeded one hundred seventy-five, unless a finding can be made that "the conversion will not adversely impact the community's ability to provide housing for all economic segments of the community." The vacancy rate shall be evaluated when considering the finding.

**Deleted:** Apartment vacancy surplus

**Deleted:** , unless and until there has existed, for the period of at least one year preceding such application, an apartment vacancy surplus determined pursuant to the procedure set forth in this chapter.

**SECTION 12. SECTION 19.70.030 AMENDED.** Section 19.70.30 of the Sunnyvale Municipal Code is hereby amended as follows:

**19.70.030. Determination of apartment vacancy rate and surplus.**

Once annually, the director of community development shall determine, on the basis of a representative sampling of apartment buildings, the apartment vacancy rate. Such determination shall be set forth in a written report to the planning commission and city council. New market priced apartments available to the general public, for which a certificate of use and occupancy has been issued since the last vacancy survey, shall be added on a unit-for-unit basis to either reduce the apartment vacancy deficiency or increase the apartment vacancy surplus. Apartments existing as of the last vacancy survey, for which demolition permits have since been issued, or for which a use permit or special development permit for conversion to community housing has been approved, shall be added or subtracted on a unit-for-unit basis to either increase the apartment vacancy deficiency or reduce the apartment vacancy surplus.

**SECTION 13. SECTION 19.70.040 AMENDED.** Section 19.70.040 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.70.040. Use permits and special development permits.**

In addition to the other provisions of this title, each project approved for conversion shall comply with the following minimum requirements:

(a) **Prohibition of Discrimination against Prospective Buyers with Children.** Under no circumstances shall a project approved for conversion limit sales to families or individuals without children, unless it is demonstrated that the project as designed and built is not suitable for accommodation of children.

(b) **Site Improvements and Amenities.** Each of the following site improvements and amenities shall be complete as of the commencement of sales or issuance of the final public report by the real estate commissioner:

(1)–(9) [Text unchanged.]

(c) **Compliance with Codes.** The design, improvement and construction of a community housing project shall conform to all requirements of all building, fire, housing, subdivision and zoning codes, and other applicable local, state or federal laws or ordinances relating to protection of public health and safety in effect at the time of the filing of the use permit or special development permit. Additionally, any violations of the latest adopted edition of the Uniform Housing Code relating specifically to provisions protecting health and safety of residents, as determined by the director of community development following a walkthrough inspection of each unit and building, shall be corrected and any equipment or facilities which are found to be deteriorated or hazardous, shall be repaired or replaced as directed by the director of community development. The developer shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest report.

**SECTION 14. SECTION 19.70.050 AMENDED.** Section 19.70.050 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.70.050. Minimum requirements.**

In addition to the other provisions of this title, each project approved for conversion shall comply with the following minimum requirements:

(a)–(e) [Text unchanged.]

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**Deleted:** and the apartment vacancy surplus, if any

**Deleted:** Tenant Protection.¶

(1) The developer shall provide to each existing tenant an irrevocable, nontransferable, preemptive right to purchase the lot or unit presently occupied, or right of exclusive occupancy for same at a price no greater than the price offered to the general public for such lot or unit. Such right shall be irrevocable, unless declined in writing, for a period of ninety days after the commencement of sales or issuance of the final public report by the real estate commissioner.¶

(2) The developer shall offer an extension of tenancy of all existing lease or rental agreements to expire not less than ninety days subsequent to the time of commencement of sales or issuance of the final public report by the real estate commissioner.¶

(3) The developer shall permit any tenant to terminate any lease or rental agreement without any penalty whatsoever after filing of an application to convert to community housing, provided such tenant¶ notifies the developer in writing thirty days in advance of such termination.¶

(4) Expenses for temporary relocation, including all moving costs and the securing of and paying for comparable replacement housing within the community for any tenant who has not entered into a contract to purchase his or her unit or lot, who is displaced on a temporary basis in order for the developer to perform necessary repairs to a unit in connection with a conversion shall be assumed in full by the developer.¶

(5) An existing tenant's rent shall not be increased during the remaining period of residency from date of application for conversion, in excess of the housing segment of the annual cost of living increase published for the San Francisco Bay Area Consumer Price Index.¶

(c) **Buyer Protection.** The developer shall furnish each prospective purchaser of a lot or unit a true copy of each of the following documents:¶

(1) The use permit or special development permit as issued under the provisions of this chapter;¶

(2) Property report;¶

(3) Structural pest report;¶

(4) Building history report;¶

(5) Soils report;¶

(6) Statement of compliance issued by the Real Estate Department of the State of California, or its successor document. [1]

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(f) If the conversion involves five or more units, Below Market Rate Units shall be required as part of the conversion. The percentage of BMR units required shall be fifteen percent of the units converted, with any fraction of a unit being rounded up to the next largest whole number.

**SECTION 15. SECTION 19.70.060 REPEALED.** Section 19.70.060 of the Sunnyvale Municipal Code is repealed in its entirety.

**Deleted: 19.70.060. Evaluation of projects and application scoring.¶**

. (a) In addition to satisfying the minimum requirements as provided for under Section 19.70.050, each use permit or special development permit application for conversion to community housing shall be evaluated with respect to the following measures which may mitigate the impact of a conversion on the existing housing market and which provide amenities to the project. A composite weighted score of at least thirty shall be required before any application can be approved for conversion.¶

. (b) In the event of selection between two or more applications during a period of limited apartment vacancy surplus, as outlined in Section 19.70.030, applications shall be ranked and selected for approval in order of the highest composite weighted scores. Those applications which are found to satisfy all "minimum requirements" and which achieve a composite weighted score of thirty but fail to receive approval during any given evaluation period, shall automatically be deemed as denied without prejudice and shall automatically be reconsidered during the subsequent evaluation period. Each application for conversion to community housing shall be evaluated and scored relative to provision of the following optional measures as proposed by the developer. A weighted number score, as prescribed below, shall be awarded for compliance with each respective measure. A composite weighted score shall be assigned to each application by totaling each earned weighted component thereof.¶

. (c) Mitigation of social and economic impact to existing tenants and prospective buyers:¶

. (1) Extension of irrevocable, nontransferable, preemptive right of any existing tenant to purchase his or her unit in a manner as provided for pursuant to Section 19.70.050(b)(1), for a period of one hundred eighty days. Score: 10¶

. (2) Extension of tenancy of lease or rental agreements for existing tenants in a manner as provided for pursuant to Section 19.70.050(b)(2), for a period of one hundred eighty days. Score: 10¶

. (3) Provision of relocation assistance to tenants electing not to purchase and not qualifying under subsection (5) hereof in an amount equal to two months rent at the tenant's rate in effect at the time of application for conversion. Score: 20¶

. (4) Provision of relocation assistance to displaced tenants by preparing without charge a current list of available apartments of comparable price and size within three miles of the project site, to be supplied to all tenants and to the department of community development prior to commencement of sales or issuance of a final public report. Score: 5¶

. (5) Extension of tenancy by lease or rental agreement for tenants sixty-two years of age and older who elect not to purchase or relocate, in a manner as ... [2]

**SECTION 16. CEQA-NEGATIVE DECLARATION.** The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

**SECTION 17. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 18. POSTING AND PUBLICATION.** The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2006, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2006, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
SEAL

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

**Deleted:** (6) Provision of an irrevocable, nontransferable, preemptive right for existing tenants to purchase the lot or unit presently occupied at a price ten percent below that offered to the general public within the time period prescribed under Section 19.70.050(b)(1). Score: 20¶  
(7) Posting of an irrevocable bond or warranty with the project's homeowners association assuring the operation and maintenance of all elements of the project as addressed in the property report for a period of one year. Score: 15¶  
(8) Provision to allow fifty percent of rent or lease payments collected subsequent to approval of a use permit or special development permit for conversion to community housing to be applied toward a down payment for purchase of the unit currently occupied. Score: 15¶  
(d) Provision of additional project amenities.¶  
(1) Site and landscaping plans as proposed offer an exceptional and above normal quantity and quality of passive recreation amenities, including landscape types, private and common open spaces, patios and related amenities. Score: Variable depending on the quality of plans presented up to a maximum of ten¶  
(2) Site and architectural plans, as proposed, offer exceptional active recreational amenities, including recreation buildings, barbecue areas, pools, play equipment for children, etc. Score: Variable depending on the quality of plans presented up to a maximum of 10¶  
(3) Site and architectural plans, as proposed, include provision for solar hot water heating for all lots or units, common buildings and pools. Score: 15¶  
(4) Site and architectural plans, as proposed, include provision for other energy saving amenities, including solar space heating, efficient area lighting systems, maximized use of natural lighting for indoor spaces, use of deciduous tree cover on south and westerly building exposures, etc. Score: Variable depending on nature and extent of amenities provided up to a maximum of fifteen.¶

**Tenant Protection.**

(1) The developer shall provide to each existing tenant an irrevocable, nontransferable, preemptive right to purchase the lot or unit presently occupied, or right of exclusive occupancy for same at a price no greater than the price offered to the general public for such lot or unit. Such right shall be irrevocable, unless declined in writing, for a period of ninety days after the commencement of sales or issuance of the final public report by the real estate commissioner.

(2) The developer shall offer an extension of tenancy of all existing lease or rental agreements to expire not less than ninety days subsequent to the time of commencement of sales or issuance of the final public report by the real estate commissioner.

(3) The developer shall permit any tenant to terminate any lease or rental agreement without any penalty whatsoever after filing of an application to convert to community housing, provided such tenant notifies the developer in writing thirty days in advance of such termination.

(4) Expenses for temporary relocation, including all moving costs and the securing of and paying for comparable replacement housing within the community for any tenant who has not entered into a contract to purchase his or her unit or lot, who is displaced on a temporary basis in order for the developer to perform necessary repairs to a unit in connection with a conversion shall be assumed in full by the developer.

(5) An existing tenant's rent shall not be increased during the remaining period of residency from date of application for conversion, in excess of the housing segment of the annual cost of living increase published for the San Francisco Bay Area Consumer Price Index.

(c) Buyer Protection. The developer shall furnish each prospective purchaser of a lot or unit a true copy of each of the following documents:

(1) The use permit or special development permit as issued under the provisions of this chapter;

(2) Property report;

(3) Structural pest report;

(4) Building history report;

(5) Soils report;

(6) Statement of compliance issued by the Real Estate Department of the State of California, or its successor document relating to operating and maintenance funds during startup.

(d)

**19.70.060. Evaluation of projects and application scoring.**

(a) In addition to satisfying the minimum requirements as provided for under Section 19.70.050, each use permit or special development permit application for conversion to community housing shall be evaluated with respect to the following measures which may mitigate the

impact of a conversion on the existing housing market and which provide amenities to the project. A composite weighted score of at least thirty shall be required before any application can be approved for conversion.

(b) In the event of selection between two or more applications during a period of limited apartment vacancy surplus, as outlined in Section 19.70.030, applications shall be ranked and selected for approval in order of the highest composite weighted scores. Those applications which are found to satisfy all "minimum requirements" and which achieve a composite weighted score of thirty but fail to receive approval during any given evaluation period, shall automatically be deemed as denied without prejudice and shall automatically be reconsidered during the subsequent evaluation period. Each application for conversion to community housing shall be evaluated and scored relative to provision of the following optional measures as proposed by the developer. A weighted number score, as prescribed below, shall be awarded for compliance with each respective measure. A composite weighted score shall be assigned to each application by totaling each earned weighted component thereof.

(c) Mitigation of social and economic impact to existing tenants and prospective buyers:

(1) Extension of irrevocable, nontransferable, preemptive right of any existing tenant to purchase his or her unit in a manner as provided for pursuant to Section 19.70.050(b)(1), for a period of one hundred eighty days. Score: 10

(2) Extension of tenancy of lease or rental agreements for existing tenants in a manner as provided for pursuant to Section 19.70.050(b)(2), for a period of one hundred eighty days. Score: 10

(3) Provision of relocation assistance to tenants electing not to purchase and not qualifying under subsection (5) hereof in an amount equal to two months rent at the tenant's rate in effect at the time of application for conversion. Score: 20

(4) Provision of relocation assistance to displaced tenants by preparing without charge a current list of available apartments of comparable price and size within three miles of the project site, to be supplied to all tenants and to the department of community development prior to commencement of sales or issuance of a final public report. Score: 5

(5) Extension of tenancy by lease or rental agreement for tenants sixty-two years of age and older who elect not to purchase or relocate, in a manner as provided for pursuant to Section 19.70.050(b)(2), for the life of the tenant(s). Score: Variable depending on the percentage of tenants sixty-two years of age, up to a maximum of twenty